

## SENATE....No. 14.

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### Commonwealth of Massachusetts.

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IN SENATE, January 22, 1861.

The Committee on Railways and Canals, to whom was committed the Petition of William S. Morton and others for a Horse Railroad from Quincy to Dorchester, also the Petitions of Josiah Quincy, Sen., and others, and of Franklin Haven and others, in aid of the same, have considered the same, and report the accompanying Bill.

For the Committee,

E. L. NORTON, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-One.

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### AN ACT

To incorporate the Quincy Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :—*

1    SECT. 1. William S. Morton, John J. Glover, and  
2 Robert B. Leuchars, their associates and successors,  
3 are hereby made a corporation, by the name and title  
4 of the Quincy Railroad Company, with power to  
5 construct, maintain and use a railway or railways,  
6 with convenient single or double tracks, with suitable  
7 turnouts, from such point or points in the town of  
8 Quincy, upon and over the streets or highways therein,  
9 to the line separating said town from the town of  
10 Dorchester, as shall, from time to time, be fixed by  
11 vote of the selectmen of said town, and assented to in  
12 writing by said corporation, and thence upon and

13 over either side of the Neponset Turnpike, so called,  
14 with authority to pass over such creeks and streams  
15 as their road traverses, by suitable bridges, when  
16 needed, and thence upon and over the Neponset  
17 Bridge, and such streets and highways in said town  
18 of Dorchester as shall, from time to time, be fixed by  
19 vote of the selectmen of said town of Dorchester, and  
20 assented to by said corporation in writing, so as to  
21 connect with the Dorchester Avenue Railroad at  
22 Glover's Corner or Field's Corner, so called, at such  
23 points as may be agreed on in writing by said two  
24 railroad companies, and assented to by the selectmen  
25 of said last named town: *provided*, that all tracks of  
26 said Quincy Railroad shall be laid at such distances  
27 from the sidewalks in said towns as the selectmen of  
28 said towns shall, in their orders fixing the route of  
29 said railroad, respectively, determine to be for the  
30 public safety and convenience: *provided, further*, that  
31 before the location and construction of any track in  
32 any of said streets or highways, the selectmen of said  
33 towns, respectively, shall give notice to the abutters  
34 thereon fourteen days at least before the hearing, that  
35 they may show cause, if any there be, why said tracks  
36 shall not be so located and constructed.

1 SECT. 2. The location of said railroad over said  
2 Neponset Bridge, and the manner in which the same  
3 shall be built, and the construction of a draw or draws  
4 in said bridge, and the mode in which the same shall  
5 be tended, managed and opened for the passage of  
6 vessels and the maintenance of that portion of said  
7 bridge on which said railroad is located and runs,  
8 shall be subject to the approval of the county com-

9 missioners of the county of Norfolk, while the said  
10 bridge continues to be a county road.

1     SECT. 3. The said Quincy Railroad Company shall  
2 have the right, at the points of connection with the  
3 said Dorchester Avenue Horse Railroad, to enter  
4 upon and travel over with their cars and vehicles the  
5 tracks of the said Dorchester Avenue Railroad, and  
6 any other railroad now connecting therewith in the  
7 city of Boston, upon terms to be agreed on in writing  
8 by the respective companies interested; and in case  
9 of disagreement as to the mode of connection, or the  
10 manner, time, or extent of use of said railways re-  
11 spectively, or the compensation to be paid therefor,  
12 the same shall be adjusted and determined by three  
13 commissioners, to be appointed by the supreme judi-  
14 cial court upon petition of either of the parties  
15 interested; and the compensation of all commission-  
16 ers appointed by said court, shall be paid by the  
17 parties in interest, in equal shares.

1     SECT. 4. Nothing in this act shall be construed  
2 to prevent the lawful authorities in said towns or  
3 city from taking up any of the streets or highways  
4 traversed by said railroad or its cars, for the pur-  
5 poses for which they may now lawfully take up the  
6 same.

1     SECT. 5. Said railroad shall be operated by horse-  
2 power only, and the selectmen of the said towns and  
3 the mayor and aldermen of said city, may at all times  
4 make such regulations as to the rate of speed and  
5 mode of use of the tracks laid or used by said Quincy  
6 Railroad within their respective highways and streets,

7 as they may deem best for the public safety and con-  
8 venience; and they shall also respectively have the  
9 power at any time after the expiration of one year  
10 from the opening of said railway for use upon any  
11 street or highway on which the same may be located  
12 under this act, to order that the whole or any part  
13 thereof shall be discontinued, and thereupon as to  
14 such part, the location shall be deemed to be revoked;  
15 and the tracks of said railway shall thereupon forth-  
16 with be removed in conformity with such order, at  
17 the expense of said Quincy Railroad Company.

1     SECT. 6. Said Quincy Railroad Company is hereby  
2 authorized to purchase and hold such real and per-  
3 sonal estate within said towns and city as may be  
4 needful or convenient for the purposes of its railroad;  
5 and also to fix from time to time such rates of com-  
6 pensation for transportation of persons or property,  
7 as they think expedient; and shall be subject to all  
8 general laws which have been or may hereafter be  
9 enacted relating to horse railroads.

1     SECT. 7. Said Quincy Railroad Company shall  
2 maintain and keep in repair such portion of the  
3 streets and highways in said towns, and of said Ne-  
4 ponset Bridge, and of any other bridge, as shall be  
5 used for its tracks, and shall not encumber any other  
6 portion thereof; and shall be liable for any loss or  
7 injury that may be sustained by reason of any care-  
8 lessness, neglect or misconduct of its agents or ser-  
9 vants in the construction, management or use of said  
10 railway, streets and bridges; and in case any recovery  
11 shall be had against either of said towns or said city,

12 or against any corporation, by reason of such careless-  
13 ness, neglect or misconduct, said Quincy Railroad  
14 Company shall be liable to pay to said towns, and city  
15 and corporation, respectively, the amount so recovered,  
16 and all reasonable costs of defending the suits in  
17 which such recovery may be had, provided that said  
18 Quincy Railroad Company have due notice from said  
19 towns or city, or other corporation, of the pendency  
20 of such suits, and due opportunity to take upon them-  
21 selves the defence thereof, which they are hereby  
22 empowered to do.

1     SECT. 8. Any person who shall wilfully obstruct  
2 said company in the use of the tracks hereby au-  
3 thorized, or the passing of the cars thereon, or shall  
4 aid and abet therein, shall be punished by fine not  
5 exceeding five hundred dollars, or imprisonment in the  
6 common jail not exceeding three months. If said  
7 Quincy Railroad Company or any of its agents or  
8 servants wilfully obstruct any street or highway, or the  
9 passing of carriages thereon, said company shall be  
10 punished by fine not exceeding five hundred dollars.

1     SECT. 9. The towns of Quincy and of Dorchester  
2 may at any time during the continuance of this  
3 charter, and after the expiration of ten years from  
4 the opening, for use, of said railroad, purchase of said  
5 company all its franchise, rights and property, by  
6 paying to said company therefor such a sum of money  
7 as will reimburse to each person who may then be a  
8 stockholder therein, the par value of his stock to-  
9 gether with a net profit of ten per cent. per annum  
10 from the time of the issue or transfer of the stock to  
11 him, deducting the dividends received by such stock-  
12 holder thereon.

1   SECT. 10. The capital stock of said Quincy Rail-  
2 road Company shall not exceed one hundred thousand  
3 dollars, to be divided into shares of one hundred  
4 dollars each, and no shares shall be issued for a less  
5 amount, to be actually paid in on each, than the par  
6 value of the shares which shall be first issued.

1   SECT. 11. Said Quincy Railroad is hereby author-  
2 ized and empowered to issue bonds in sums not less  
3 than one hundred dollars each, for the purpose of con-  
4 structing and equipping their road, the amount thereof  
5 not to exceed the capital stock paid in and to be  
6 approved, certified, recorded and secured, in the same  
7 way as the Cambridge Horse Railroad bonds hereto-  
8 fore authorized by law.

1   SECT. 12. Said Quincy Railroad shall be deemed a  
2 railroad corporation so far as to make the annual  
3 returns to the legislature which are or may be required  
4 to be made by law, but shall not be subject to the  
5 other provisions of law relative to railroad corpora-  
6 tions except as provided in section six.

1   SECT. 13. The Quincy Railroad Company is hereby  
2 empowered to lease or sell its franchise, rights and  
3 property, to the said Dorchester Horse Railroad Com-  
4 pany or to any other connecting horse railroad  
5 company, and in case of such sale the purchasing  
6 company shall be entitled to all the rights and privi-  
7 leges, and be subject to all the liabilities of said  
8 Quincy Railroad Company in virtue of this charter.

1   SECT. 14. This act shall take effect from and after  
2 its passage.

